IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 6213 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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M M SANKARALINGA NADAR & CO. & 8 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR RD DAVE for Applicant(s) : 1 - 9.
MR KT DAVE ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,
MR YOGESH S LAKHANI for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 21/06/2007

ORAL JUDGMENT :

1. The petitioners, accused persons in Criminal Inquiry Case No.119 of 1994 pending in the court of learned Judicial Magistrate, First Class, Morvi, have, under the provisions of

section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code"), sought quashing of complaint dated 28.10.1994 in the aforesaid criminal case. By the said complaint, offences punishable under sections 420, 463 and 120-B read with section 34 of the Indian Penal Code, 1860 (for short, "the IPC") were alleged on the basis of transaction of commercial nature and an order to initiate inquiry under the provisions of section 156 (3) of the Code was made on the same day without recording statement of the complainant or any other person.

2. After pendency of the present petition for ten years, the parties are stated to have arrived at an amicable settlement, whereunder a sum of Rs.1,50,000/- is being paid by and on behalf of the petitioners to the original complainant in full and final settlement of the civil and/or criminal dispute involved or arising from commercial transaction which was the basis or the subject-matter of complaint. It was agreed and jointly submitted that no question of invoking the offence under section 463 of the IPC has arisen. Learned counsel for the petitioner, Mr.R.D.Dave, appearing with learned advocate Mr.Prem Kumar, has, on instructions, delivered a cheque of the sum of Rs.1,50,000/- in favour of

Morvi Vegetable Products Ltd., to learned counsel Mr.Harnish Darji, appearing with learned advocate Mr.Yogesh Lakhani, and they have accepted the same on instructions and in presence of Mr.Chandrakant Patel, Managing Director of the company, on whose behalf the original complaint was made, in full and final settlement of the dispute and the criminal case.

3. Thus, in short, the parties have arrived at an amicable full and final settlement of all disputes pending amongst them and jointly requested to allow the petition so as to terminate the criminal proceedings pending as mentioned earlier. Accordingly, the petition is allowed, the complaint registered as Criminal Inquiry Case No.119 of 1994 and pending in the court of learned Judicial Magistrate, First Class, Morvi as well as the proceedings pending and the order made thereunder are quashed. Rule is made absolute with no order as to cost.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)